

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

GD-18-016855

JOHN W. KLUBER,

Plaintiff,

vs.

MICHELLE B. RELICH,

Defendant.

)
) **COMPLAINT**
)
)

) Filed on behalf of Plaintiff:
) JOHN KLUBER
)
)

) Counsel of record for Plaintiff:
)
)

) Justin T. Romano
) Pa. Id. No. 307879
)
)

) ATTISANO & ROMANO
) 429 Fourth Avenue, Suite 1705
) Pittsburgh, PA 15219
) Phone: (412) 336-8622
) Facsimile: (412) 336-8629
) justin@arlawpitt.com

JURY TRIAL DEMANDED

DEPT. OF COURT RECORDS
CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY PA

2018 DEC 18 PM 2:12

FILED

OPS\$PETER01
18 December 2018
14:11:38
GD-18-016855

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

JOHN W. KLUBER,)	CIVIL DIVISION
)	
Plaintiff,)	No. GD-18-
)	
vs.)	
)	
MICHELLE B. RELICH,)	
)	
Defendant.)	
)	

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyers Referral Service
The Allegheny County Bar Association
436 Seventh Avenue
400 Koppers Building
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-6161

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

JOHN W. KLUBER,)	CIVIL DIVISION
)	
Plaintiff,)	No. GD-18-
)	
vs:)	
)	
MICHELLE B. RELICH,)	
)	
Defendant.)	
)	

COMPLAINT IN CIVIL ACTION

AND NOW Plaintiff John W. Kluber, through his counsel, Attisano & Romano, LLC, files this Complaint:

PARTIES

1. Plaintiff John W. Kluber is an adult individual who resides at 4 Cliff Drive, Mineral Wells, Texas 76067.
2. Defendant Michelle B. Relich is an adult individual who resides at 507 Edgewood Avenue, Pittsburgh, Pennsylvania 15218.

JURISDICTION AND VENUE

3. This Court has jurisdiction over Defendant because, at all relevant times, she has resided in the Commonwealth of Pennsylvania and the actions out of which this action arises occurred in the Commonwealth of Pennsylvania.
4. Venue is proper in this Court because the events that give rise to the causes of action set forth in this Complaint occurred in Allegheny County.

FACTUAL BACKGROUND

5. Plaintiff and Defendant were previously involved in a romantic relationship.
6. On or about November 3, 2018, Plaintiff ended the relationship with Defendant.

7. On or about November 23, 2018, Defendant printed and mailed private text message communications and intimate photos of Plaintiff to the following recipients:

- a. Plaintiff's employer, Dana Augustine Inc.; and
- b. At least fifteen (15) of Plaintiff's clients—Kay Jewelers stores—located throughout Pennsylvania, West Virginia, and Ohio.

8. On or about November 24, 2018, and thereafter, the recipients of said mailings notified Plaintiff of their receipt.

COUNT I – Unlawful Dissemination of Intimate Images (42 Pa.C.S. § 8316.1)

9. Paragraphs 1 through 8 are incorporated by reference.
10. Defendant unlawfully disseminated intimate images of Plaintiff.
11. Defendant mailed the aforementioned images with the intention of embarrassing Plaintiff, damaging his reputation, and causing him emotional and economic harm.
12. Defendant's actions have already caused Plaintiff irreparable harm and will continue to do so.
13. As a direct and proximate result of Defendant's actions, Plaintiff has suffered and will suffer damages as follows:

- a. Loss of personal and professional reputation;
- b. Anxiety, stress, and humiliation; and
- c. Economic harm.

WHEREFORE, Plaintiff John W. Kluber respectfully requests that judgment be entered in his favor and against Defendant Michelle B. Relich in an amount in excess of \$35,000.00, treble damages, plus interest and costs, attorney's fees, and for such other relief as the Court deems just and proper.

COUNT II – Intentional Interference with Business Relations

14. Paragraphs 1 through 13 are incorporated by reference.

15. Defendant had knowledge of the business relationship between Plaintiff and his employer when she mailed the private text messages to Plaintiff's employer.

16. Defendant had knowledge of the business relationship between Plaintiff and his clients when she mailed the private text messages to Plaintiff's clients.

17. Defendant mailed the documents with the intention of harming Plaintiff's business relationships with both his employer and his clients.

18. Defendant had no privilege or justification with respect to the mailing of the private text messages to Plaintiff's employer and clients.

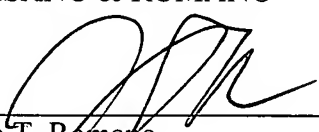
19. Plaintiff has sustained actual financial harm as a result of Defendant's conduct.

WHEREFORE, Plaintiff John W. Kluber respectfully requests that judgment be entered in his favor and against Defendant Michelle B. Relich in an amount in excess of \$35,000.00, treble damages, plus interest and costs, attorney's fees, and for such other relief as the Court deems just and proper.

JURY TRIAL DEMANDED

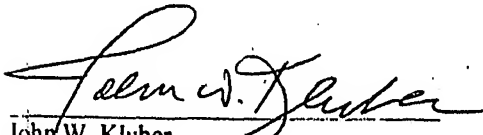
ATTISANO & ROMANO

By: _____


Justin T. Romano
Pa. Id. No. 307879
429 Fourth Avenue, Suite 1705
Pittsburgh, PA 15219
Phone: (412) 336-8622
Facsimile: (412) 336-8629
justin@arlawpitt.com

VERIFICATION

I, John W. Kluber, have read the foregoing Complaint and verify that it is based upon information which I have furnished to counsel and information which has been gathered by counsel in the preparation of the Complaint and that it is true and correct to the best of my knowledge, information and belief. The language of the Complaint is that of counsel and not of Plaintiff. To the extent that the content of the Complaint is that of counsel, I have relied upon counsel in making this verification. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.


John W. Kluber

12-13-18
Date

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date: 12/18/18

Submitted by: Justin T. Romano

Signature: 

Name: Justin T. Romano

Attorney No: 307879

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



County _____

For Prothonotary Use Only:

Docket No: _____

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition ☐ Notice of Appeal
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name: John Klupka

Lead Defendant's Name: Michelle Relich

☐ Check here if you are a Self-Represented (Pro Se) Litigant

Name of Plaintiff/Appellant's Attorney: Justin T. Romano

Are money damages requested?: ☒ Yes ☐ No

Dollar Amount Requested: ☐ within arbitration limits
☒ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other: _____

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other: _____

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: _____

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other
☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other
☐ Other: _____

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure
☐ Partition
☐ Quiet Title
☐ Other: _____

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Zoning Board
☐ Statutory Appeal: Other

Judicial Appeals

- ☐ MDJ - Landlord/Tenant
☐ MDJ - Money Judgment
☐ Other: _____

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations Restraining Order
☐ Quo Warranto
☐ Replevin

☒ Other: Unlawful Discrimination